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TROP, PRUNER & HU, P.C.
1616 S. VOSS ROAD, SUITE 750
HOUSTON, TX 77057-2631

EXAMINER	
JANVIER, JEAN D	
ART UNIT	**PAPER NUMBER**
3688	

MAIL DATE	DELIVERY MODE
04/13/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/690,512	HANNAH ET AL.	
	Examiner	Art Unit	
	JEAN JANVIER	3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21-32* is/are pending in the application.

4a) Of the above claim(s) *33* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *21-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Applicant's Arguments

First, the Applicant argues that the BPAI had ruled against or dismissed the 101 rejection. However, the Examiner notes that when the 101 rejection was issued, "Bilski" was not around. Thus, the 101 rejection of claims 29 and 32 is correct and lawful.

Second, the Applicant submits that he cannot understand the Office Action and the rationale for using or maintaining the Rodriguez' reference dismissed by the BPAI. The Examiner, in reply, notes that the same Rodriguez' Patent (disclosure) was used in combination with Goldhaber to render claims 1-7, 9, 11-17 and 19 obvious and the Applicant did not have any problem understanding the Action. In fact, in response to the Office Action, the Applicant has canceled 1-7, 9, 11-17 and 19. Further, the BPAI disagreed that the portions cited by the Examiner read on the claimed invention and never concluded that the reference as a whole does not read on the claims. The Rodriguez' Patent is still valid as prior art since other distinct sections of the reference, not yet considered by the BPAI, read on the claims under 35 USC 103(a). Thus, it is the Examiner's duty to issue such Action. Additionally, it is not unusual and illegal to combine distinct or different embodiments from a single reference to render one or more claims obvious. It is also common practice in the art to combine the background of a reference, such as a US Patent, with the reference actual teachings to render one or more claims obvious. Having said that, using the Rodriguez' Patent in this format does not violate the law.

Therefore, the Applicant's request for allowance or withdrawal of the last Office Action has been fully considered and respectfully denied in view of the foregoing response since the Applicant's arguments as herein presented are not convincing and thus, the current **Office Action has been made Final.**

DETAILED ACTION

Specification

Status of the claims

Claims 21-30 and newly added claims 31-33 are currently pending in the Instant Application, while claims 1-20 have been canceled. Claims 21-32 are herein being examined, while claim 33 is being withdrawn from further consideration.

General Comments

While claims 31 and 32 recite "….controlling operation of the media player to play content based on said credit and to use said watermark to accrue said credit", however, the Examiner notes that the "watermark" is not an accumulator or counter. Hence, the "watermark" may not be useful in accumulating credits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 33 is rejected under 35 USC 112, second paragraph for lacking antecedent basis.

Although claim 33 recites "The system of claim 1", however, the Examiner notes that claim 1 has been canceled by the current amendment. Claim 33 is rejected under 35 USC 112(2)

as lacking antecedent basis or as being dependent on a claim (claim 1) that no longer exists. Thus, claim 33 has been withdrawn from further consideration.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 29 and 32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Based on Supreme Court precedent, a method/process claim must (1) be tied to a "particular machine" (such as a particular apparatus) (see at least Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780, 787-88 (1876)) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing (see at least Gottschalk v. Benson, 409 U.S. 63, 71 (1972)). A method/process claim that fails to meet one of the above requirements is not in compliance with the statutory requirements of 35 U.S.C. 101 for patent eligible subject matter. Here the claims fail to meet the above requirements because the steps are neither tied to a "particular machine" (such as a particular apparatus), nor do they physically transform the underlying subject matter (such as an article or materials) to a different state or thing.

Claim Rejections - 35 USC § 103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 21-30 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez, US Patent 6,650, 761 B1

(In the following Action, a watermark detector can be interpreted either as a program or watermark software, for the most part, or as a piece of hardware).

As per claims 21, 29 and 30, Rodriguez discloses, inter alia, a system for watermarking content, such as a downloaded video or a transmitted advertisement, to thereby guarantee integrity of the downloaded content or transmitted advertisement upon receipt and to correctly bill the recipient of the video content for what was actually received as opposed to what was transmitted or downloaded.

Furthermore, watermark technology is used to track and verify proper delivery of content including advertising content. In one application of this technology, recipients of advertising content, such as TV subscribers, computer users, are provided incentives for viewing advertising in its entirety. For example, a content-receiving device (playback device or media player), such as a computer, can include a watermark detector or watermark software that issues a receipt for each watermarked advertisement that is heard/viewed in its entirety (monitoring a watermark

included with one or more advertisements and providing accrued credits or accrued incentives or accumulated rewards to a user of a computer or a set-top-box for listening to played or viewing displayed watermarked advertisements in their entirety). Thereafter, these receipts may be redeemed, for example, for content tokens (type of currency), for monetary value, etc. In some embodiments, receipts are generic and can all be applied to a desired premium (such as access to content or otherwise), regardless of the advertisements through which they were earned. In other embodiments, the receipts are associated with the particular advertisers (or class of advertisers). Thus, a TV viewer who accumulates 50 receipts (accrued rewards) for hearing/viewing advertising originating from Procter & Gamble may be able to redeem them for a coupon good for $2.50 off any Procter & Gamble product, or accrued or accumulated receipts from Delta Airlines may be redeemed for Delta frequency flier miles (e.g., at a rate of one mile per minute of advertising heard/viewed). Such incentives are particularly useful in new forms of media that give the consumer enhanced opportunities to fast-forward or otherwise skip advertising (Col. 57: 9-64; col. 57: 65 to col. 58: 34). It is herein understood that a watermark detector or watermark software installed or stored in a media player (like a computer or other appliance having a processor) or coupled thereon detects the presence of a watermark or flag, having encoded fields or permission fields or permission data, embedded into the provided content, e.g. audio/video or music and operates to control the operations of the media player or to control how the media player is to use the provided content, based on the permission fields related to the inserted watermark data (Col. 42: 41 to col. 45: 40).

Rodriguez does not expressly or officially disclose, with respect to the watermarked advertisement embodiment, a process for controlling operation of a media player or processor in response to monitoring the watermark (detector) or Rodriguez does not officially teach, in the watermarked-advertisement embodiment, that **the watermark detector controls the operations of the media player in response to detecting the watermark in the advertisement**

However, in another embodiment, Rodriguez discloses a system wherein distribution of content, such as music, to a consumer is also gaining popularity, presently in the MP3 (media player) format primarily. The music providers may deal directly with the public, but more commonly effect such consumer distribution through a newly emerging tier of digital media outlets, such as Internet sites, that specialize in music. From such sites, consumers can download digital audio files into personal digital audio players like MP3 players (The Diamond Rio, and the Audible MobilePlayer devices are some of the first of what will doubtless be a large number of entrants into this personal Internet audio appliance market.). Further, the downloaded (audio) data can be stored by the consumer-recipient onto any other writeable media (e.g. hard disk, CD, DVD, tape, videotape, etc.). Typically a personal computer is used for such downloading, but this intermediary device may be dispensed with by coupling next generation of personal audio appliances to an Internet-like link (col. Col. 41: 57 to col. 42: 5). The (audio) data downloaded by the consumer can be stored either in the native digital format, translated into another digital format (which translation may include decryption), converted into analog and recorded in analog form, etc (col. 42: 6-9). Unauthorized copying or use of the music can occur anywhere in the foregoing channels once provided to the consumer on readable media (CDs, DVDs, etc.) or

downloaded by the consumer in electronic format. However, one of the greatest risks occurs once the music has been delivered to the consumer (whether by tangible media, by traditional broadcast media outlets, by emerging digital distribution or a combination-col. 42: 10-15). Here, -Genuine Music Coalition--a partnership of various companies in the music distribution business--likewise has announced plans to employ watermarking of MP3 music. The watermarking technology, to be provided by Liquid Audio, will convey data specifying the artist or producer contact, copyright data, and a number to track ownership. The Coalition hopes that the provision of this embedded information will help thwart piracy. Industry observers believe Liquid Audio will next introduce playback technology only plays audio in which its watermark is detected. (Wired News, "Liquefying MP3," Jan. 23, 1999-col. 42: 30-40). **To reduce or eliminate the illegal copying or illegal use of the content or music, a process of embedding auxiliary data, i.e. watermarking, into the content or music has been widely proposed (col. 42: 16-18).** In other words, the media player, such as an MP3 player**, is coupled to a processor-based device, such as an intermediary computer, wherein the provided or downloaded content or music having watermark data embedded therewithin to prevent illegal copying or use and wherein the media player has a watermark detector or program stored thereon to detect the presence of the watermark embedded into the content or music and to allow use or playback of the content based on the embedded watermark data (the watermark detector, stored on the media player, controls the operation of the media player or the watermark detector controls how the media player is to use the provided or downloaded content or music during playback).**

For instance, a track of music can be pre-authorized for specified types of use. Here, the usage control string (i.e. permission data) of the watermark payload may include a six-bit field detailing the classes of devices for which the audio is authorized. Each bit would correspond to a different class of device. Class 1 devices may be personal playback devices with only analog-audio output. Class 2 devices may be personal entertainment devices capable of outputting music in digital (e.g. MP3, redbook, *.WAV) format, as well as analog audio. Class 3 devices may be personal computer systems (i.e. with essentially unlimited ability for processing and outputting digital audio) and so on. **A device (media player) to which such MP3 audio is provided would check the usage control string data to determine whether, it is authorized to utilize the audio or content**. A personal playback device or media player with analog-only output, for example, would examine the first bit of the usage control string. If it was "1," then the device would be authorized to use (i.e. playback) the MP3 data; if it was a "0," then the device would refuse to play the music accordingly (Col. 44: 17-35).

In addition to pre-authorization for certain classes of devices or media players, the usage control string can also include bits indicating the number of permitted playbacks. These data can be encoded in bits seven through nine, representing eight possibilities: 0--no playback permitted 1--single playback permitted 2--two playbacks permitted 3--three playbacks permitted 4--four playbacks permitted 5--five playbacks permitted 6--10 playbacks permitted 7--unlimited playbacks permitted and 8--**refer to associated data (within the watermark or stored at a remote site) which specifies the number of permitted playbacks (i.e. the watermark detector or watermark software, stored therein or coupled to the media player or playback device, controls the operations of the media player or playback device or**

controls how the media player is to use the provided or downloaded content or music when the presence of a watermark flag or code, having encoded thereon a plurality of permission fields, is detected in the provided or downloaded content or music-Col. 44: 36-52).

The playback device may include a non-volatile storage means (hard disk drive or database) in which the number of permitted playbacks is stored for each track of music. The device would decrement this number at the beginning of each playback (col. 44: 53-56).

Moreover, the usage control string (permission data) can also include a two-bit field (bits ten and eleven) indicating recording (copyright) permissions. A value of 0 means that data corresponding to the MP3 audio, i.e. provided or downloaded content, (regardless of digital format) should never be made available or transferred to another digital device. A value of 1 means that the data (i.e. provided or downloaded content) corresponding to the MP3 data may be made available once to another digital device or media player or playback device. A value of 2 means that the data may be made available for an unlimited number of times to other digital devices or media players or playback devices, whereas Value 3 or 3 is reserved for special purpose (col. 44: 57-65).

Another data field that can be included in an audio watermark is a rating that indicates age-appropriateness. Music with violence or sexual themes might be given a rating akin to the MPAA "PG-13" or "R" rating. Audio appliances or playback devices or media players may be programmed with special software or watermark detector to recognize the rating of incoming music, i.e. provided or downloaded content, and to interrupt playback if the rating exceeds a certain threshold setting (the watermark detector detects the presence of watermark data or

special flag inserted into the provided or downloaded content and operates to control the operations of the playback device or media player). Various known techniques can be employed to assure that such settings cannot readily be changed, e.g., by juvenile listeners (col. 44: 66 to col. 45: 35).

The same data fields (watermark data or permission fields) and principles, as described above, can be applied to non-audio content, i.e. textual and/or video content. In video, for example, watermarked data can adaptively control the display monitor or playback parameters (e.g., color space) to enhance the viewing experience. Needless to say here that the textual or video content includes advertising content as herein featured (col. 45: 36-40).

In Summary, the watermark data, embedded or inserted into the provided or downloaded content, are encoded with a plurality of fields or permission fields or permission data (e.g. usage control string), which, when detected at the media player by the watermark software or watermark detector coupled or stored thereon, control how the provided or downloaded content or music is to be used by the media player or playback device, such as an MP3 player, during consumption or playback (a watermark detector or watermark software installed or stored in the media player or coupled thereon detects the presence of a watermark or flag, having the encoded fields or permission fields or permission data, embedded into the provided or downloaded content or music and operates to control the operations of the media player in response to detecting the presence of a watermark in the provided or downloaded content or to control how the media player is to use the provided or downloaded content or music "or advertisement" based on the permission fields related to the inserted watermark data-Col. 42: 41 to col. 45: 40).

Therefore, it would have been obvious to an ordinary skilled artisan, at the time of the invention, to combine both embodiments in Rodriguez so as to use the watermark detector (software) to control the operations of the media player based on the encoded instructions or permission fields related to a watermark inserted in the provided advertisement, before an incentive or compensation is provided to a customer for viewing or playing the advertisement in its entirety, in a manner similar to controlling the operations of the media player upon detecting the presence of a watermark in the provided or downloaded content or music, thereby expanding the field of use of the watermark detector by controlling the media player to play the advertisement according to the instructions or permission fields encoded in the watermark (watermark data) inserted in the incoming or provided advertisement before the particular user or customer is compensated for viewing or playing the advertisement based on the watermark encoded instructions (e.g. viewing pr playing the advertisement in its entirety), while rendering the system more effective by rewarding a customer for viewing or playing the advertisement according to the encoded instructions related to the watermark inserted in the provided or incoming advertisement.

As per claims 22-28 and 31-32, Rodriguez discloses a system wherein a watermark technology is used to track and verify proper delivery of content including advertising content. In one application of this technology, recipients of advertising content, such as TV subscribers, computer users, are provided incentives for viewing advertising in its entirety. For example, a content-receiving device (playback device or media player), such as a computer, can include a

watermark detector or watermark software that issues a receipt for each watermarked advertisement that is heard/viewed in its entirety (monitoring a watermark included with one or more advertisements and providing accrued credits or accrued incentives or accumulated rewards to a user of a computer or a set-top-box for listening to played or viewing displayed watermarked advertisements in their entirety). Thereafter, these receipts may be redeemed, for example, for content tokens (type of currency), for monetary value, etc. In some embodiments, receipts are generic and can all be applied to a desired premium (such as access to content or otherwise), regardless of the advertisements through which they were earned. In other embodiments, the receipts are associated with the particular advertisers (or class of advertisers). Thus, a TV viewer who accumulates 50 receipts (accrued rewards) for hearing/viewing advertising originating from Procter & Gamble may be able to redeem them for a coupon good for $2.50 off any Procter & Gamble product, or accrued or accumulated receipts from Delta Airlines may be redeemed for Delta frequency flier miles (e.g., at a rate of one mile per minute of advertising heard/viewed). Such incentives are particularly useful in new forms of media that give the consumer enhanced opportunities to fast-forward or otherwise skip advertising (Col. 57: 9-64; col. 57: 65 to col. 58: 34). It is herein understood that a watermark detector or watermark software installed or stored in a media player (like a computer or other appliance having a processor) or coupled thereon detects the presence of a watermark or flag, having encoded fields or permission fields or permission data, embedded into the provided content, e.g. audio/video or music and operates to control the operations of the media player or to control how the media player is to use the provided content, based on the permission fields related to the inserted watermark data (Col. 42: 41 to col. 45: 40). In other words, the system is configured to detect that the consumer has

chosen to fast-forward the advertisement or to play the advertisement at a high speed, which literally means that the consumer has decided not to pay attention to the said advertisement or to simply skip it and thus, the consumer will not receive any credit or incentive for failure to play the advertisement in its entirety for the preset period of time or duration or to play the advertisement at regular or predetermined speed (before he can receive any credit). See col. 58: 9-28.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6, 216, 112B1 to Fuller discloses a method and system for distributing free software, having advertisements embedded therein, to customers and compensating the authors of the software for every copy of the software illegally distributed by collecting payments from advertisers or sponsors whose advertising messages are inserted in the said software to be displayed on the customer's or user's PC screen. The software or application software, downloaded over the Internet from a web site related to a computer server 102 of fig. 1 or shipped to a user on a floppy disk or a CD ROM (Media player) to be installed on the user's PC 110 of fig. 1, is executed by the user on his PC 110 of fig. 1 subsequent to installing the software on his computer hard disk (See abstract; col. 2: 30-32). **Here, the user has restricted rights to the free software and thus, he must occasionally or periodically read advertising messages whenever he executes the said software or before using the software.**

USP 6,735,699 to Sasaki discloses a digital work utilization monitoring method and system for preventing illegal use such as unpermitted copying of digital works so that use of the

digital works can be monitored by judging whether or not the use is legally permitted and for facilitating a smooth and appropriate circulation of digital works by promoting payments of use fees for use of digital works. A use license is issued on the basis of a permission application for using a digital work and the license is embedded into the digital work by means of a digital watermark. With the license having an identification code of a device used by a user, it is judged whether or not the use of the distributed digital work is legally permitted by monitoring. The license can be issued on condition that a use fee has been paid (See abstract).

USP 6,049,789 to Frison discloses **a software pay-per-use** (PPU) licensing system. The PPU licensing system includes one or more licensor license management system (LMS) and one or more licensee LMS. Each licensee LMS includes one or more components that operate to grant pay-per-use licenses for software applications, including data collection on amount of usage licenses granted, and to monitor operational states of the pay-per-use license granting and data collection operations, including periodic reporting of state and usage license granted data to a licensor LMS. Each licensor LMS includes components that operate to receive, store and process state and usage license granted data for the software applications from the licensee systems, including verification of timely periodic reporting from the licensee LMS (See abstract).

USP 6735699 to Nonaka discloses a contents provider storing contents data in a container in a format which can only be decoded with a key distributed from an EMD service center, and transmits the container to a service provider. The service provider adds pricing information and the like and distributes this to a user home network. The user home network pays charges to the EMD service center based on the pricing information, receives the key, and decodes the contents

data. Information regarding the number of times which copying is permitted is contained in the secure container, and the number of times permitted is increased each time charges are paid, thereby enabling copying to other media and the like. It is impossible to make copies from a container simply copied, or in cases where in the number of permitted times of copies has been used up. Thus, contents data can be distributed in a format wherein copying of contents data can be controlled including the number of copies made (See abstract).

USP 6,148,421 to Hurtado discloses a system for tracking usage of digital content on user devices. Electronic stores coupled to a network sell licenses to play digital content data to users. Content players, which receive from the network the licensed content data, are used to play the licensed content data. Additionally, a logging site that is coupled to the network tracks the playing of the content data. In particular, the logging site receives play information from the network, and the play information includes the number of times that the content data has been played by the associated content player. Also provided is a method for tracking usage of digital content on user devices. According to the method, a license to play digital content data is sold to a user, and the licensed content data is transmitted to a content player for the user. Further, information is transmitted to a logging site whenever the content data is played by the content player or copied from the content player to an external medium so that usage of the licensed content data can be tracked (See abstract).

USP 6,185,683 to Ginter discloses that documents and other items can be delivered electronically from sender to recipient with a level of trustedness approaching or exceeding that provided by a personal document courier. A trusted electronic go-between can validate, witness and/or archive transactions while, in some cases, actively participating in or directing the

transaction. Printed or imaged documents can be marked using handwritten signature images, seal images, electronic fingerprinting, watermarking, and/or steganography. Electronic commercial transactions and transmissions take place in a reliable, "trusted" virtual distribution environment that provides significant efficiency and cost savings benefits to users in addition to providing an extremely high degree of confidence and trustedness. The systems and techniques have many uses including but not limited to secure document delivery, execution of legal documents, and electronic data interchange (EDI). See abstract.

USP 6,594,799 to Robertson discloses a multi-faceted portal site that acts as a server in the context of an n-tier client/server network and connects electronic designers and design teams to design and verification tool and service providers on the other through a single portal site. Tools and services accessible to users through the portal site include electronic design automation (EDA) software tools, electronic component information, electronic component databases of parts (or dynamic parts), computing and processing resources, virtual circuit blocks, design expert assistance, and integrated circuit fabrication **(providing a CAD Tool to a user via a network, where the user runs or executes the provided Tool on his computer system to produce an output or complete a project).** Such tools and services may be provided in whole or in part by suppliers (manufacturers) connected to the portal site. Users accessing the portal site are presented with options in a menu or other convenient format identifying the tools and services available and are able to more rapidly **complete circuit designs** by having access to a wide variety of tools and services in a single location. **The portal site may facilitate purchase, lease or other acquisition of the tools and services offered through it**. The portal site tracks the movements of users through the portal site in order to learn about the design preferences and

design approaches of users individually and in the aggregate. Previous actions taken by a user and by similarly-situated users may be considered in determining which information is presented to the user or in what order to present information to the user, thereby providing contextually-driven access (See abstract; fig. 3-5 and 7-10; col. 1: 35-54; col. 2: 12-24; col. 2: 40-54; col. 4: 49-61; col. 4: 64 to col. 5: 28).

Further, Harrison, Ann describes in an article, "**ARIS says it's on key with digital watermark",** that the recording industry will first adopt a watermark standard for music delivered via an analog signal and then work with software vendors to develop a watermark technology for the digital domain. Watermarks on analog music played over the radio would help track artists' royalties. Special receivers could record broadcast and allow artist rights organizations to compile music play list statistics for royalty collection. The next generation of radio receivers will also be able to display text from embedded watermark information. This would allow record companies to encode each track of music with information such as the name of the song, artist, album, record label, liner notes and lyrics. Since consumers are more likely to purchase music they can identify by name, record companies hope that watermarks will help boost record sales.

Additionally, a BALTIMORE MORNING SUN (BS) article, **ADD A TOUCH OF CLASS TO PRINTED DOCUMENTS,** talked about a simulated watermarking technique- Atmospheres is a collection of images that can be superimposed over an entire page or any part of a page. The images can add style, even a touch of class, to your everyday printed documents. A clever utility program appropriately named "Watermark" makes it all work. There are five collections: Patterns, Geometrics, Classics, CityScapes and Habitats are fairly self-descriptive

and contain 15 different scenes each. The Watermark program allows you to print any picture as a transparent image. Atmospheres' images blend unobtrusively into the background. Using the "gray-scale" capability of most printers, you can choose how light or dark you want the image to appear on the page.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

Non-Official- 571-273-6719.

Official Draft : 571-273-8300

04/08/09

/J. J./

/Jean Janvier/

Primary Examiner, Art Unit 3688